

In the High Court of Punjab and Haryana, Chandigarh.

C.W.P.No. 2852 of 2007

Date of Decision: 18.10.2007

Ram Avtar

...Petitioner

Versus

State of Punjab and others

...Respondents.

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR

HON'BLE MR. JUSTICE AJAY KUMAR MITTAL

Present: Mr. Amandeep, Advocate,
for Mr. Manish Bhardwaj, Advocate,
for the petitioner.

Mr. Amol Rattan Singh, Addl. AG, Punjab,
for respondent No. 1.

Mr. Shailendra Sharma, Advocate,
for respondent No. 2.

Mr. P.D. Mehta, Advocate,
for respondent No. 3.

JUDGMENT

M.M.KUMAR, J.

This petition filed under Article 226 of the Constitution prays for issuance of direction to respondent No. 2 to release subsidy of Rs. 25,000/- under the Scheme of the Khadi Village and Industry Commission (KVIC), to the petitioner under which allegedly he has taken loan for establishing small scale industry.

The petitioner has claimed that on 18.4.2002, he had taken a loan of Rs. 95,000/- from the KVIC Scheme from the Punjab Khadi & Village Industry Board-respondent No. 2 for establishing a small scale industry of manufacturing mouth freshners. An account bearing No. 01556060032 was

opened in State Bank of Patiala, Sainik School Branch, Kapurthala-respondent No. 3. The petitioner thereafter set up his small scale industry of mouth freshners in Kapurthala. It has further been averred that since respondent No. 2 bank did not release the subsidy amount to the petitioner, he could not run the unit smoothly and suffered huge losses in the business, which was ultimately closed down within one year. It has, however, been claimed by the petitioner that entire loan amount excluding subsidy amount has been repaid to respondent No. 3 bank. Now, respondent No. 2 bank is staking its claim for return of balance amount along with interest. The petitioner also served a legal notice dated 12.9.2006 to respondent No. 2 with copy to respondent No. 3 bank (P-1) requesting them to release subsidy amount of Rs. 25,000/-. A reply dated 7.11.2006, has been given by respondent No. 3 bank informing that the bank has already taken the matter with the concerned Board for release of subsidy amount and reminders have also been issued (P-2).

In the written statement filed on behalf of respondent No. 3 bank factual position with regard to disbursement of loan of Rs. 95,000/- has not been denied. It has further been admitted that subsidy of Rs. 25,000/- has not been released by respondent No. 2 and respondent bank has been pursuing the matter with respondent No. 2 for release of subsidy amount for credit of the loan account of the petitioner.

In the short reply by way of affidavit filed on behalf of Punjab Khadi Board-respondent No. 2 it has been specifically denied that the petitioner is entitled for any subsidy from the Punjab Khadi Board under KVIC Scheme. Respondent No. 2 has also placed on record a copy of the Form on which the petitioner had applied for grant of loan before respondent No. 3 (R-2/1) to show that the case of the petitioner was sponsored by the General Manager, District Industry Centre, Kapurthala and the loan to the petitioner was granted under Prime Minister Rozgar Yojna, which is a scheme floated by respondent

No. 1 and Punjab Khadi Board-respondent No. 2 has no concern with the Prime Minister Rozgar Yojna.

After hearing learned counsel for the parties and perusing the record minutely we find that the petition is devoid of merit and is, thus, liable to be dismissed. The petitioner has failed to disclose complete facts. The loan was actually disbursed to the petitioner under the Prime Minister Rozgar Yojna Scheme and the petitioner has incorrectly mentioned that the loan was sanctioned under the KVIC Scheme. It is true that respondent no. 2 has sanctioned the loan by using the proforma of KVIC but that does not change the basic fact that the loan was not disbursed under the KVIC Scheme. There is nothing on the record to show that the loan was infact disbursed under the KIVC Scheme by respondent no. 2. Under the Prime Minister Rozgar Yojna there is no provision for disbursement of subsidy of Rs. 25,000/-. Infact the petitioner has admitted that after disbursement of loan he has closed the unit within a period of one year which shows complete disregard to the object of the Prime Minister Rozgar Yojna under which loan was disbursed. Infact the petitioner has mis-used the writ jurisdiction of this Court knowing fully well that the loan was disbursed by respondent No. 1 under the Prime Minister Rozgar Yojna. Therefore, the writ petition is liable to be dismissed.

For the reasons afore-mentioned this petition fails and the same is dismissed with costs.

(M.M.KUMAR)
JUDGE

(AJAY KUMAR MITTAL)
JUDGE

October 18, 2007
Pkapoor